

115. SAUNAS AND MESSAGES

115.01. Definitions. Subdivision 1. As used in this chapter the terms hereinafter defined shall have the meanings ascribed to them.

Subd. 2. "Sauna" means a steam bath or heated bathing room used for the purpose of bathing, relaxation, or reducing utilizing steam or hot air as a cleaning, relaxing, or reducing agent.

Subd. 3. "Massage" means the rubbing, stroking, kneading, tapping, or rolling of the body with the hands.

Subd. 4. "Masseur" means a male person, and "masseuse" means a female person, who practices massage.

Subd. 5. "Massage parlor" means any room or rooms wherein a person for a fee may receive a massage from another person.

Subd. 6. "Sanitary" means free from the vegetative cells of pathogenic-micro-organisms.

Subd. 7. "Alcoholic beverage" means non-intoxicating malt liquor as defined in Minnesota Statutes, section 340A.101, subd. 19 and intoxicating liquor as defined in Minnesota Statutes, section 340A.101, subd. 14.

Subd. 8. "Controlled substance" means controlled substance as defined in Minnesota Statutes, section 152.01.

Subd. 9. "Narcotic drug" means narcotic drug as defined in Minnesota Statutes, section 152.01.

Subd. 10. "Contraceptive device" means an instrument or article for the prevention of conception.

115.02. License for Massage Parlor or Sauna Establishment. Subdivision 1. License Required. No person shall for, or in expectation of, any fee, gift, compensation, or reward of any kind, engage in the city, either exclusively or in connection with any other business enterprise, in the practice of massage or in the business of operating a massage parlor or sauna, except upon premises licensed under this chapter. Not more than four licenses shall be issued and in effect under this chapter at any time. No person shall be directly or indirectly interested in more than one license.

Subd. 2. Exceptions. A license is not required under this chapter as follows:

- (1) For premises at which massage services or sauna facilities are provided by a non-profit corporation or association exempt from federal and state income taxes;
- (2) For premises at which massage services or sauna facilities are provided by or under the direction of the following: Persons duly licensed or registered in this state to practice medicine, surgery, osteopath, chiropractic, physical therapy, or podiatry; athletic directors and trainers; and beauty culturists and barbers who do not give or hold themselves out to give, massages or other services other than those customarily given in such shops and places of business for the purpose of beautification only.
- (3) For hotels, motels, rooming houses, and apartment buildings in which saunas, but not massages, are provided incidental to the rental of rooms and the use of which is limited to tenants of the respective facility.
- (4) For premises on which saunas, but not massages, are provided incidental to the use of exercise and recreational equipment and facilities situated on the same premises and

occupying a floor area of not less than 1250 square feet. The sauna facilities shall occupy a floor area equivalent to not more than 10 percent of the floor area used for the exercise and recreational equipment and facilities.

- (5) For the premises at which massage services are performed by or under the direction of persons who are currently certified as full members, in good standing, of either or both the American Massage Therapy Association or the Minnesota Therapeutic Massage Network (MMTN), provided that proof of such membership(s) is provided to the City Clerk in such form as she may require and is verified by the City Clerk prior to the person(s) engaging or continuing in such massage activities within the City.

Subd. 3. Application. An application for a license or renewal of a license shall be made at the office of the city clerk by paying the annual license fee and completing an application form provided by the city clerk. The application shall be signed and verified by the applicant in person, and if the applicant is a corporation, by an officer of the corporation. It is unlawful to make any false statements in the application. The application shall contain the following information:

- (1) The location of the premises and an exact description of the area to be licensed for the operation within the building. If the area to be licensed is not constructed and furnished at the time the application is completed, detailed plans of the area and furnishings should be attached to the application;
- (2) Name and address of the applicant (if a partnership, the partners, and if a corporation, each of the officers of the corporation), and the person who is to manage the operation to be licensed;
- (3) The names and home addresses of two persons who may be referred to by the city for information on the character of the applicant and manager, and if the applicant is a partnership, two such names shall be supplied for each partner, and if the applicant be a corporation, two such names shall be supplied for each principal officer and manager of the corporation;
- (4) whether any of the persons named in clause (2) above have ever been engaged in a similar business, and, if so, the location thereof and the dates when so engaged; and
- (5) A description of any felony, gross misdemeanor, or misdemeanor for which any of the persons named in clause (2) above has been convicted and for which jail sentence could have been imposed, including the time, place, date and disposition.

Subd. 4. Issuance. An application shall be investigated by the city health officer, building and safety department, police department, fire department and planning and zoning department. Such officer and departments shall submit their reports and recommendations to the council and the license shall be granted or denied by the council.

115.03. Inspection, License Term, and Fees. Subdivision 1. The annual license fee for engaging in the business of a massage parlor or sauna is \$3,600.00. A separate license shall be obtained for each place of business. The licensee shall display the license in a prominent place on the licensed premises at all times. A license, unless revoked, is for the calendar year or part thereof for which it has been issued, and shall expire on December 31 of such year. If six months or less remain of the year for which the license is issued, then the license fee shall be half of the annual fee.

Subd. 2. A registration fee of \$25.00 shall be paid for each employee registered as required by the provisions of this chapter.

Subd. 3. Each applicant for a massage parlor or sauna license who at the time of application does not hold a valid license issued under this chapter shall pay an initial non-refundable investigation fee of \$300.00. If an applicant is not issued a license for the year for which the application is made, the application may be resubmitted each year for two successive years by payment of an additional investigation fee of \$50.00 for each year that the application is resubmitted.

115.04. Denial of License. The council may refuse to issue or renew a license for any of the following reasons:

- (1) The applicant, or any one or more of the principal officers or managers, if a corporation, or any one or more of the partners, if a partnership, has been convicted of a felony or has been convicted of any illegal conduct involving moral turpitude, dishonesty, fraud, deceit or misrepresentation;
- (2) The premises do not comply with health, fire, or building regulations;
- (3) The applicant perpetrated a fraud or deception in the application for a license; or,
- (4) The applicant or any one or more of the persons required to submit character references under section 115.02 is found by the council to be of bad repute.

115.05. Restrictions and Regulations. No sauna or massage license shall be:

- (1) effective beyond the compact and contiguous space named therein for which the same is granted;
- (2) granted for operation in any area restricted against such use by the zoning code;
- (3) transferable from person to person or to other premises without the consent of the council;
- (4) issued or renewed for operation of any premises upon which taxes, assessments or other financial claims of the city are delinquent and unpaid; or,
- (5) issued or renewed to any person other than a person over 18 years of age, of good moral character and repute, nor to any person who has been convicted of any willful violation of law in connection with the licensing or operation of a sauna or massage parlor.

115.06. Revocation of Licenses. Any license granted hereunder may be revoked for a violation of this chapter or any other law or regulation, when the violation occurs in connection with the operation of a massage parlor or sauna, or for other reasonable cause shown. A license may be revoked by the council after a public hearing thereon. The licensee shall be given at least ten days' written notice of the charges and of the public hearing at which the licensee shall have the right to testify, present witnesses, and cross-examine witnesses. If the license is revoked, no portion of the license fee shall be returned to the licensee.

115.07. Registration of Employees. Each licensee shall register at the police department each employee who works at the licensed premises by providing:

- (1) Name and address of the employee;
- (2) A description of any felony, gross misdemeanor, or misdemeanor for which the employee has been convicted and for which jail sentence could have been imposed, including the time, place, date and disposition;

- (3) Photographs of the employee taken by the police department showing both the front and side view; and
- (4) A complete set of fingerprints of the employee taken by the police department.

It is unlawful for any licensee to employ any person on the licensed premises who is not registered hereunder or who has been convicted of a violation of this chapter or of a felony, gross misdemeanor, or misdemeanor involving moral turpitude for which a jail sentence could have been imposed.

115.08. Alcoholic Beverages, Narcotic Drugs and Controlled Substances Prohibited. It is unlawful for any licensee, his agent, or employee to consume or possess, or permit the consumption or possession of any alcoholic beverage, narcotic drug or controlled substance on the licensed premises, except when such possession is for the possessor's own use and is authorized by law.

115.09. Dissemination of Pornography Prohibited. It is unlawful for any licensee, his agent, or employee to disseminate any pornographic material or pornographic performances on the licensed premises. As used in this section, disseminate, pornographic material, and pornographic performance shall have the meaning ascribed to them in section 85.05, subdivision 1.

115.10. Contraceptive Devices. It is unlawful for a licensee, his agent, or employee to bring onto the licensed premises or possess while on the licensed premises a contraceptive device, or to permit any other person to do so. A license may be revoked or suspended if a contraceptive device is found on the licensed premises or in the possession of a licensee, his agent, or employee while on the licensed premises.

115.11. Construction and Maintenance Requirements. Subdivision 1. Each sauna room and massage parlor, and restroom and bathroom used in connection therewith, shall be constructed of finish materials which are smooth, impervious to moisture, and easily cleanable so as not to support the growth of bacteria, mold, or fungus. The floor-to-wall and wall-to-wall joints shall be constructed with a standard cove.

Subd. 2. All restrooms used in connection with a sauna or massage parlor shall be provided with mechanical ventilation with two cfm per square foot of floor area, a minimum of 15 foot candles of illumination, a hand washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.

Subd. 3. Each sauna or massage parlor establishment shall have a janitor's closet which shall be provided for the storage of cleaning supplies. Such closet shall have mechanical ventilation with two cfm per square foot of floor area and a minimum of 10 foot candles of illumination. Such closet shall include a mop sink.

Subd. 4. Floors, walls and equipment in sauna rooms, massage parlors, restrooms and in bathrooms used in connection therewith must be kept in a state of good repair at all times. Linens and other material shall be stored at least six inches off the floor. Sanitary towels, washcloths, cleaning agents, and toilet tissue must be made available to each customer. Each sauna or massage room shall be illuminated while in use with a minimum of 15 foot candles of illumination.

Subd. 5. Individual lockers shall be made available for use by each customer. Such lockers shall have separate keys for locking.

Subd. 6. Doors to a sauna or massage room shall not be locked or capable of being locked and doors to a massage room shall contain an opening or glazed area containing transparent glass or similar substance measuring not less than 12 inches by 12 inches which provides clear two-way viewing into the room. There shall be no partition, stall, screen, curtain, or other device which obstructs the view of any part of a massage room from the opening or window in the

door. All sauna or massage rooms shall be clearly identified by signs.

Subd. 7. If any provision of this section is inconsistent with a comparable and applicable provision of the building code, the provision of the building code shall govern to the extent of such inconsistency.

115.12. Massages. Subdivision 1. Attire. Whenever a massage is given on premises licensed under this chapter, the person giving the massage and the person receiving the massage shall at all times have his buttocks, genitals, and pubic area covered with a non-transparent material.

Subd. 2. Prohibited Massages. It is unlawful for any person on premises licensed under this chapter to give a massage to a person of the opposite sex.

115.13. Submission of Plans and Specifications. All persons who hereafter construct, remodel or convert buildings or facilities for use as a massage parlor or sauna shall conform and comply in their construction, erection or alteration with the requirements of this chapter. Plans and specifications for the sauna and massage parlor areas, and locations, size and type of equipment and facilities shall be filed in the building and safety department. A building permit shall not be issued for any such construction, remodeling, or alteration until such permit shall have the approval of the health officer.

115.14. Inspection of Premises and Identification of Employees. During business hours a massage parlor or sauna shall be open for inspection by city health, building, and fire prevention bureau inspectors and by police officers. The main entrance and each inner door restricting access to a sauna or massage room shall remain unlocked during business hours and upon demand access shall be provided an inspector or police officer to any other part of the licensed premises.

115.15. Business Hours and Services. No customer or patron shall be allowed to enter or remain on the licensed premises after 10:00 p.m. or before 8:00 a.m. daily. The licensee shall post in a conspicuous location on the licensed premises a detailed and complete list of services and charges.

(1758, 3/18/74; 1833, 2/17/76; 1834, 3/15/76; 1939, 3/6/78; 2218, 11/17/81; 2577, 1/4/88)